

REMARKS

Upon entry, claims 2-4 and 9-16, 19 and 21-23 will be all the claims pending in this application. Claims 17, 18 and 20 have been canceled, claims 16, 19 and 21-22 have been amended and new claim 23 has been added. Claim 16 has been amended to incorporate claim 20 and claims 19 and 21-22 have been amended to prevent the claims from depending from canceled claims. Support for new claim 23 can be found, for example, at page 13, lines 6-23 of the present specification.

Applicants respectfully submit that with the entry of the proposed amendments, the present application will be in condition for allowance. Accordingly, entry of the above amendments is respectfully requested.

Initially, Applicants thank the Examiner for indicating that claims 10-15 are allowable during the telephone conference with Applicants' representative on April 3, 2003.

In addition, Applicants submit that claim 16 has been amended to recite the microorganisms used as the biological material in the method of producing an optical isomer II from an optical isomer I of an amino acid, and that claim 16 is not a substantial duplicate of claim 10. Claim 16 is directed to a method where a biological material is reacted with a racemic mixture of optical isomers I and II, whereas claim 10 is directed to a method where a biological material is reacted with an optical isomer I. Therefore, the scope of claims 16 and 10 are different, and the claims are not substantial duplicates. Also, Applicants respectfully submit that claim 23 should be allowed at least by virtue of its dependence from claim 10, which the Examiner has indicated to be allowable.

SUPPLEMENTAL AMENDMENT
U.S. Application No.: 09/537,416

Attorney Docket No.: Q58481

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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Date: April 9, 2003

APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 17, 18 and 20 are canceled.

The claims are amended as follows:

16. (three times amended) A method for producing an optical isomer II from an optical isomer I of an amino acid represented by Formula (1):



wherein R is an optionally substituted C1-C12 alkyl group, an optionally substituted C4-C8 cycloalkyl group or an optionally substituted C6-C14 aryl group, said method comprising reacting a biological material with a racemic mixture of said optical isomers I and II, wherein said biological material converts an optical isomer I of said amino acid to an optical isomer II, the isomerism being on the basis of an asymmetric carbon atom to which both of an amino group and a carboxyl group are bound and said conversion being not inhibited seriously by an amino acid transferase inhibitor β -chloro-D-alanine, β -chloro-L-alanine or gabaculine, and isolating said optical isomer II[.].

wherein said biological material is one obtained from a microorganism belonging to the genus *Arthrobacter*, *Klebsiella*, *Nocardia*, *Rhizobium*, *Saccharopolyspora* or *Streptomyces*.

19. (amended) The method according to Claim 16, [17 or 18,] wherein said optical isomer I is a D-form and said optical isomer II is a L-form.

21. (amended) The method according to claim 16, [17 or 18,] wherein said biological material is one obtained from a microorganism classified to *Arthrobacter pascens*, *Flavimonas oryzihabitans*, *Klebsiella planticola*, *Nocardia diaphanozonaria*, *Pseudomonas chlororaphis*, *Pseudomonas oleovorans*, *Pseudomonas oxalaticus*, *Pseudomonas taetrolens*, *Rhizobium meliloti*, *Saccharopolyspora hirsuta* or *Streptomyces roseus*.

22. (amended) The method according to claim 16, [17 or 18,] wherein said biological material is one obtained from *Arthrobacter pascens* strain IFO12139, *Flavimonas oryzihabitans* strain JCM2952, *Klebsiella planticola* strain JCM7251, *Nocardia diaphanozonaria* strain JCM3208, *Pseudomonas chlororaphis* strain IFO3521, *Pseudomonas oleovorans* strain IFO13583, *Pseudomonas oxalaticus* strain IFO13593, *Pseudomonas taetrolens* strain IFO3460, *Rhizobium meliloti* strain IFO14782, *Saccharopolyspora hirsuta subsp.kobensis* strain JCM9109 or *Streptomyces roseus* strain IFO12818.

Claim 23 is added as a new claim.